

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Operating Engineers Local #49 Health
and Welfare Fund and Central Pension
Fund of the International Union of
Operating Engineers and Participating
Employers, Local #49 International
Union of Operating Engineers and
Associated General Contractors of
Minnesota Apprenticeship and Training
Program and their Trustees,

Plaintiffs,

vs.

ORDER

Thielen Construction Co., Inc.,

Defendant.

Civ. No. 05-2435 (PAM/RLE)

* * * * *

Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, it is --

ORDERED:

That the Plaintiffs' Complaint is dismissed, without prejudice, for failure to comply with the terms of our Order of December 21, 2005, and for lack of prosecution.

BY THE COURT:

s/ Paul A. Magnuson

Judge Paul A. Magnuson

United States District Court

Dated: March 13, 2006
At St. Paul, Minnesota